

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The County Board of Supervisors (hereinafter Board) finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183. Please see Attachments 3.1, Notice of Exemption, and 3.2, CEQA Consistency Analysis, dated February 17, 2022, incorporated herein by reference.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The Final PEIR is also located online here:

<http://www.countyofsb.org/plndev/policy/communityplans/losalamos.sbc>

1.3 FINDINGS ADDRESSING SUPPLEMENTAL DOCUMENT ISSUE AREAS

CEQA Section 15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. As such, a CEQA Consistency Analysis (Attachment 3.2) was prepared for the project and analyzes the following issue areas: Cultural Resources, Flooding and Water Resources, Aesthetics/ Visual Resources, Biological Resources, Transportation and Circulation, Land Use, Wastewater, Agricultural Resources, Public Services, Air Quality, Noise, and Hazardous Materials/ Risk of Upset. The Consistency Analysis dated February 17, 2022, herein incorporated by reference, finds that the LACP EIR (Attachment 4 of the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference) addressed significant effects related to the project, and that these effects can be substantially mitigated by the imposition of uniformly applied development policies or standards derived from mitigation measures in the LACP EIR that apply to the project's specific effects.

2.0 ADMINISTRATIVE FINDINGS

2.1 TENTATIVE MAP FINDINGS – SUBDIVISION MAP ACT

Findings for all Tentative Maps. In compliance with the Subdivision Map Act, the review authority shall make the following findings for Case No. 20TPM-00000-00003 for Tentative Parcel Map 14,848 [Ruffino Parcel Map]:

2.1.1 *State Government Code §66473.1. The design of the subdivision for which a tentative map is required pursuant to §66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.*

The Board finds that the design of Tentative Parcel Map (TPM) 14,848 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The setbacks for the 10,000-square-foot minimum parcel size, two-family residential (10-R-2) zoning designation allow for sufficient area for future residential development on the site to be sited and designed to take advantage of solar exposure for natural heat and light and prevailing winds for natural cooling effects. There is also sufficient northern, southern, eastern, and western exposure to allow for passive heating or cooling systems to be provided on the site.

2.1.2 *State Government Code §66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement is consistent with the general plan required by Article 5 (commencing with §65300) of Chapter 3 of Division 1 or any specific plan adopted pursuant to Article 8 (commencing with §65450) of Chapter 3 of Division 1.*

The Board finds that the Proposed Project is consistent with the policies of the Santa Barbara County Comprehensive Plan, including the Los Alamos Community Plan, as discussed in Section 6.3 of the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference). The Proposed Project is consistent with policies related to land use, services, water resources, circulation, air quality, biological resources, historic resources, and visual resources.

2.1.3 *State Government Code §66474. The following findings shall be cause for disapproval of a Tentative Parcel Map:*

1. *The proposed map is not consistent with applicable general and specific plans as specified in §66451.*

The Board finds that the Proposed Project is consistent with the County Comprehensive Plan, including the Los Alamos Community Plan. As discussed in Sections 6.3 of the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), with the implementation of the conditions of approval set forth in Attachment 2 to the Board Agenda Letter dated February 17, 2022, the Proposed Project is consistent with the policies of the Santa Barbara County Comprehensive Plan, including but not limited to, the Los Alamos Community Plan and the Land Use Element.

2. *The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The Board finds that the design and improvements of the proposed subdivision is consistent with County Comprehensive Plan, including the Los Alamos Community Plan. As discussed in Section 6.3 of the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the proposed improvements are consistent with all applicable policies of the Comprehensive Plan and the Los Alamos Community Plan.

3. *The site is not physically suitable for the type of development proposed.*

The Board finds that the Proposed Project site is physically suitable for the type of development allowed by the Comprehensive Plan land use and zoning designation and the improvements necessary to serve the proposed parcels. The subject property is residentially zoned 10-R-2. The proposed project includes the subdivision of one 66,646 square foot parcel into four (4) parcels that range in 12,415 net square feet to 19,305 net square feet. All four parcels will maintain the 10-R-2 zoning designation and meet the size requirements for this Zone District. Anticipated future improvements to serve residential development on the properties will require widening Shaw Street to 24 feet, paving the private driveway, installing water and sewer lines, and incorporating stormwater control elements. The parcels are flat at grade. The preliminary grading plan, Draft Stormwater Control Plan, and the Sewer and Water Availability Letter (Attachments I, J, and L, respectively, to the Planning Commission staff report dated November 23, 2021, included as Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference) provided by the applicant and reviewed by the County Department of Planning and Development, County Public Works Department, and County Fire Department demonstrate the suitability for future residential development.

4. *The site is not physically suited for the proposed density of development.*

The Board finds that the Proposed Project site is physically suited to accommodate the density of development allowed by the Comprehensive Plan, Los Alamos Community Plan, and LUDC. The subject property is zoned 10-R-2. The proposed project includes the subdivision of one 66,646 square foot parcel into four (4) parcels that range in 12,415 net square feet to 19,305 net square feet. The size of the proposed parcels exceeds both the minimum parcel size required by the zone as well as the average parcel size properties in the vicinity of the proposed project. The Tentative Parcel Map also includes the recording of easements for access and utilities to ensure adequate services at the time of future development

Each proposed parcel will have the potential to build a duplex or single family dwelling and associated residential accessory structures, including accessory dwelling units. The Proposed Project includes the establishment of an 8 foot private road easement and a 20 to 24 foot wide private access and public utilities easement which will ensure that adequate access and service can be provided at the time of development. This includes the widening of Shaw Street to County Fire Department standards, provision of a private driveway, and installation of water and sewer facilities. Applicable zone setbacks and the required easements will limit the locations of the properties that can reasonably developed with projects requiring planning permits. Potential accessory dwelling units will not be subject to setbacks of the zone but their size limitations would allow for them to be accommodated. All future development will be subject to additional review by the County Planning and Development Department.

5. ***The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.***

The Board finds that the Proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. As explained by Attachments 3.1 and 3.2 to the Board Agenda Letter dated February 17, 2022, incorporated herein by reference, consistency with the Los Alamos Community Plan ensures that all environmental effects will be reduced to the maximum extent feasible. Additionally, the Proposed Project site is not located in the vicinity of any riparian habitat or water bodies. Any trees removed due to the required road widening or future development will be replaced in compliance with the LACP. Therefore, injuries to fish or other aquatic species or related habitats will not occur.

6. ***The design of the subdivision or type of improvements is likely to cause serious public health problems.***

The Board finds that the Proposed Project will not cause serious public health problems. The Proposed Project does not include any structural development. As discussed in Section 6.3 of the Planning Commission staff report, dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the Proposed Project meets all requirements of the County Comprehensive Plan and Los Alamos Community Plan. Additionally, the Proposed Project was reviewed by the County Fire Department, County Environmental Health Services, County Public Works Department, and the County Air Pollution Control District who have recommended conditions of approval to ensure that adequate access and services continue to be provided and that future development utilize measures to reduce dust and ozone precursor emissions. These

conditions of approval are incorporated as Condition of Approval 25 of Attachment 2 to the Board Agenda Letter dated February 17, 2022.

7. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The Board finds that the Proposed Project does not conflict with any easements for access through or use of the proposed subdivision. The subject property has street frontage on two roads: Main Street and Shaw Street. Main Street is a 100 foot public right of way. The segment of Shaw Street that fronts the subject property is a 17.5 foot wide private road easement. The Proposed Project will not interfere with access or use of these roads. The Proposed Project was reviewed by the County Public Works Department and Fire Department, which confirmed the proposed access will be consistent with County Standards.

2.1.4 *State Government Code §66474.4. The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:*

- a) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.*
- b) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).*
- c) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.*
- d) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.*

The Board finds that the Proposed Project will not result in detrimental impacts to agricultural uses and that the land is not subject to any of the above-listed conservation or open space easements. Therefore, the above finding is inapplicable to the Proposed Project.

2.1.5 *State Government Code §66474.6. The governing body of any local agency shall determine whether discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed*

by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with §13000) of the Water Code.

The Board finds that the Proposed Project will not contribute to any violation of existing requirements prescribed by the California Regional Water Quality Control Board regarding community sewer systems as the Proposed Project is a Tentative Parcel Map that will split one parcel into four parcels. The Proposed Project does not include any structural development and will not create additional waste discharge. Additionally, the LACSD has issued a letter of Water and Sewer Service Availability, which states that adequate sewage collection, treatment and disposal capacity is currently available to serve the proposed parcels at the allowable level of development. The letter did not guarantee service by the District, or reserve capacity to serve the lots. Instead, the letter states that new service will be provided on a first-come, first-serve basis as determined from the date on which connection permits are issued.

2.2 TENTATIVE MAP FINDINGS – COUNTY CHAPTER 21

A. The following, among others, shall be cause for disapproval of a tentative map including tentative parcel maps, but the tentative map may nevertheless be approved in spite of the existence of such conditions where circumstances warrant:

2.2.1 Easements or rights-of-way along or across proposed county streets which are not expressly subordinated to street widening, realignment, or change of grade by an instrument in writing recorded, or capable of being recorded, in the Office of the County Recorder, provided, however, that the Director of Public Works may approve such easements or rights-of-way without such subordinations. Easements or rights-of-way shall not be granted along or across proposed county streets before filing for record of the final subdivision map by the County Recorder, unless the Director of Public Works shall approve such grants. If the Director of Public Works does not grant such approvals within fourteen days from the date they were requested, they shall be deemed to have been refused. Appeal from refusal of the Director of Public Works to grant such approvals may be made in writing to the Board of Supervisors, which may overrule the Director of Public Works and grant such requested approvals in whole or in part.

The Board finds that Proposed Project does not involve easements or right of ways along or across proposed County Streets. The Proposed Project involves the establishment of a private right of way easement that will allow the future widening of a private road. The Proposed Project also includes the establishment of access and utilities easements that spans the proposed property and will abut Main Street and Shaw Street at the property frontages. However this easement will not cross the right of way. Main Street is a 25 foot paved road within a 100 foot public right of way. Additionally, the Public Works Department – Transportation Division reviewed the Proposed Project and confirmed it meets their requirements.

2.2.2 *Lack of adequate width or improvement of access roads to the property; creation of a landlocked lot or parcel without frontage on a street or other approved ingress and egress from the street;*

The Board finds the Proposed Project will have adequate ingress and egress to access roads and that those access roads are of adequate width to serve the Proposed Project. Access to the proposed Parcel 4 will occur from Main Street via a private access easement. Access to Proposed Parcels 1, 2, and 3 will occur from Shaw Street via a private access easement. Secondary egress for Parcels 1, 2, and 3 will be allowed onto Main Street. Main Street is a maintained, approximately 25 foot wide paved road within a 100 foot wide public right of way. Shaw Street is an approximately 15 foot paved private road within a 17.5 foot paved private road easement that extends from western boundary of the subject property through Lane on the east. Shaw Street widens to a minimum of 24 feet wide west of the subject property. The Proposed Project will establish an 8 foot private road easement to allow the road to be widened to 24 feet at the time of development, consistent with County Fire Department Standards.

The subject property and any parcels created from its subdivision were expressly granted ingress and egress rights from Shaw Street by County Board of Supervisors Resolution No. 04-222, which vacated the segment of road for private use. The widening of Shaw Street at the subject property will serve to provide adequate access to the proposed parcels and to these parcels and to bring the road into further compliance with County Fire Department Standards. The Proposed Project was reviewed by the County Department of Public Works and Fire Department who have determined that access to the project will be adequate, subject to the Conditions of Approval included in Attachment 2 to the Board Agenda Letter, dated February 17, 2022.

2.2.3 *Cuts or fills having such steep slopes or great heights as to be unsafe under the circumstances or unattractive to view;*

The Board finds that future improvements and development will not require grading of steep slopes or great heights because the site is already flat at grade.

2.2.4 *Grading or construction work on any proposed street or lot. Grading or construction work shall not be commenced prior to recordation of the final or parcel map without specific authority granted by and subject to conditions approved by the Board of Supervisors;*

The Board finds that the proposed project will not require grading or construction prior to map recordation. The project is conditioned (Condition No. 19 of Attachment 2 to the Board Agenda Letter, dated February 17, 2022) to not allow grading or construction work to be permitted prior to recordation of the tentative map absent Board of Supervisors approval to grade prior to map recordation.

2.2.5 *Potential creation of hazard to life or property from floods, fire, or other catastrophe;*

The Board finds that the Proposed Project will not result in the potential creation of hazard to life or property from floods, fire, or other catastrophe. The Proposed Project was reviewed by the County Fire Department to confirm the adequacy proposed access and by the Public Works Department to confirm that parcels are capable of adequately retaining stormwater onsite. The subject property is not located in the County designated high fire hazards area. However, the Proposed Project site is located in the Los Alamos Special Problems area due to historical flooding issues throughout the Los Alamos urban area. Prior to future issuances of Land Use Permits, development will need to be reviewed by the Special Problem committee which includes staff from both the County Public Works Department and Fire Department. There are no other foreseeable hazards to life or property that may be caused due to existing site conditions or foreseeable uses on the property.

2.2.6 *Nonconformance with the County's Comprehensive Plan or with any alignment of a state highway officially approved or adopted by the state department of transportation;*

The Board finds that the project is in conformance with the County Comprehensive Plan and with the alignment of existing state highways. As described in Section 6.3 of the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the project will be consistent with all applicable policies of the County Comprehensive Plan, including the Los Alamos Community Plan. The Project was reviewed by Caltrans and no conflicts were identified with the operation Bell Street or Highway 101.

2.2.7 *Creation of a lot or lots which have a ratio of depth to width in excess of 3 to 1;*

The Board finds that the Proposed Parcels will not create properties with a depth to width ratio in excess of 3:1. The narrowest lot has a depth of 156.85 feet and a width of 79 feet, which is a ratio of 2:1.

2.2.8 *Subdivision designs with lots backing up to watercourses.*

The Board finds that the Proposed Project will not create parcels that back up to water courses because no water courses are present within the area or vicinity of the Proposed Project.

- B. *A tentative map including tentative parcel map shall not be approved if the decision-maker finds that the map design or improvement of the proposed subdivision is not consistent with this Chapter, the requirements of the State Subdivision Map Act, California Government Code Section 66410 et seq., the County's Comprehensive Plan, the applicable zoning ordinance, or other applicable County regulations.***

The Board finds that the Proposed Project is consistent with the requirements of State Subdivision Map Act, the County Comprehensive Plan, County LUDC, and County Code Chapter 21. As described in Sections 6.3 and 6.4 of the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the Proposed Project is consistent County policies and code requirements.

- C. *Prior to recordation of the final or parcel map, the subdivider shall furnish the following information to the Public Works Director, Flood Control Engineer, and Building Official:***
- 1) *Complete plans and specifications, including elevations and grades, for any roads, culverts, drainage ways, bridges, or structures necessary for drainage, erosion control, traffic circulation, or public safety;***
 - 2) *Any other information required by the conditional approval of the decision-maker.***

The Board finds that the applicant for the Proposed Project has provided all relevant and required information needed for the Planning Commission to make an informed decision to approve this map and proceed to recordation, subject to the conditions of approval. The applicant has provided an Archeological Report, Biological Resources Assessment, Historical Resources Assessment, Preliminary Drainage Report, Preliminary Grading Plans, and Draft Stormwater Control Plan, which are included as attachments to the Planning Commission staff report dated November 23, 2021 (Attachment 6 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference). Final materials shall be required prior to recordation as identified in the letters from the Public Works Department included as Condition of Approval No. 25 in Attachment 2 to the Board Agenda Letter dated February 17, 2022.

- D. *When submitting a tentative map for the subdivision of only a portion of a separate legal lot, the subdivider, unless otherwise directed by the Subdivision/Development Review Committee, shall submit a possible future development plan of remaining portions of the lot on a topographic map. This plan shall indicate a general layout of streets in dotted or dashed lines and shall be clearly labeled: "NOT A PART." Approval of the tentative map shall not constitute approval of the possible future development plan.***

The Board finds that the Proposed Project is not a proposal to subdivide only a portion of a legal lot. Therefore, this finding does not apply to the Proposed Project.